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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,020	08/14/2001	Kurt C. Gish	018501-003100US	2304

20350 7590 06/25/2003
TOWNSEND AND TOWNSEND AND CREW, LLP
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EXAMINER	
RAWLINGS, STEPHEN L	
ART UNIT	PAPER NUMBER

1642
DATE MAILED: 06/25/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

17

DATE MAILED:

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Commissioner for Patents

Art Unit: 1642

Response to Election and Amendment

1. The election without traverse filed April 11, 2003 in Paper No. 15 is acknowledged and has been entered.

2. The reply filed on April 11, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In reply to the Office Action mailed February 11, 2003 (Paper No. 13), Applicants elected with traverse "the group comprising claim 7, drawn to methods for diagnosing cancer". However, as set forth in the restriction requirement, claim 7 is drawn to multiple distinct inventions, wherein said method comprises determining the expression of one or more genes set forth in Table 1 and/or Table 2. Applicants were required under 35 USC § 121 to elect a single disclosed invention by specifically identifying the group of one or more genes set forth in Table 1 and/or Table 2 to which claim 7, if elected, would be drawn for the purposes of examination and yet failed to do so. See 37 CFR 1.111.

3. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (703) 305-3008. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony C. Caputa, Ph.D. can be reached on (703) 308-3995. The fax phone numbers for the organization where this application or proceeding is assigned

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are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1642

SL Rawlings
STEPHEN RAWLING

slr
June 24, 2003